

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/421,676 10/20/99 GOTZ

B 964-991369

EXAMINER

PM82/0411

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700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219-1818

MAR, M

ART UNIT

PAPER NUMBER

3619

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/421,676

Applicant(s)
Bernhard Gotz

Examiner
Michael Mar

Group Art Unit
3619



☒ Responsive to communication(s) filed on Feb 26, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 and 21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 and 21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleine et al in view of Wakana et al.

Kleine et al discloses a vehicle comprising an internal combustion engine mounted on a frame and weights 13 & 14 mounted on the frame and adjacent to the engine, the engine thus being operatively connected to the weights.

Wakana et al teaches the use of elastic engine mounts 4 (Figs. 1 & 2) for mounting an engine transversely with respect to a vehicle for permitting oscillating motion of the engine about a transverse axis extending through the engine mounts. Wakana et al also teaches the use of a torque support 6 which connects the engine to the vehicle frame for minimizing oscillating motion, the torque support being spaced a distance from the axis (Figs. 9 & 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the vehicle of Kleine et al with a transversely mounted engine as taught by

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Wakana et al as an alternative choice to the longitudinally extending engine. It would have been further obvious to provide the engine with a torque support as further taught by Wakana et al in order to minimize oscillating motion of the engine.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleine et al in view of Nichter.

Nichter teaches the use of hydraulic units operatively connected to an internal combustion engine.

It would have been obvious to provide the vehicle of Kleine et al with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleine et al in view of Wakana et al as applied to claim 2 above, and further in view of Nichter.

It would have been obvious to provide the vehicle of Kleine et al and Wakana et al as combined above with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

4. Applicant's remarks have been considered but are not deemed persuasive. In the cited prior art and even applicant's device, the engine is not actually directed connected to a weight but

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rather is operatively connected to the weight since there is the use of support arms or mounting brackets therebetween. Also, since the weight itself has not been clearly defined with respect to its configuration, size, mass, and relationship to the vehicle chassis, anything could be considered a "weight" including the chassis itself. Since the use of a mass or the repositioning of a vehicle component to function as a mass to dampen vibrations on the vehicle is considered to be conventional practice, the above rejections are still considered to be proper.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 308-2571

(for formal communications intended be entered)

(all informal communications should be labeled "PROPOSED" OR "DRAFT")

or hand delivered to:

Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia 22202

Seventh Floor(receptionist)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mar at telephone number (703) 308-2087, or by e-mail to:

michael.mar@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Michael Mar

MICHAEL MAR

4-6-01

Primary Examiner

M.Mar

4-6-2001